

SRC APPROVED

Date October 11, 2012
SLM

State Records Committee Meeting

Division of Archives, Courtyard Meeting Room

September 13, 2012

Salt Lake City, Utah

Members Present: Lex Hemphill, Media Representative
Doug Misner, History Representative
Holly Richardson, (nominated) Citizen Representative
Betsy Ross, Auditor's Designee
Ernest Rowley, Elected Public Official
Patricia Smith-Mansfield, Governor's Designee

Legal Counsel: Paul Tonks, Attorney General's Office
Ed Lombard, Attorney General's Office

Executive Secretary: Susan Mumford, Utah State Archives

Others Attending: Richard Amon, Department of Administrative Services
Dwayne Baird, Department of Public Safety PIO
Kevin Bolander, Department of Public Safety
Kathleen Bounous, Workforce Services
David Bunker, Cedar Hills
Joel Campbell, *Sanpete Messenger*
Ken Cromar, Cedar Hills, petitioner
Suzanne Dean, *Sanpete Messenger*
Glen Fairclough, Archives staff
Anna Gedal, Archives Volunteer
Gretchen Gordon, Cedar Hills
Michael Gubarev, Pentskiff Interpreting Services
Gary Gygi, Cedar Hills
Eric Johnson, Cedar Hills
Scott McKane, KSTU TV
Donald Meyers, *Salt Lake Tribune*
Lorianne Ouder Kirk, Archives staff
Linda Petersen, Citizen
Jen Pilgreen, KSL TV
Christian Probasco, *Sanpete Messenger*
Holly Richardson, (nominated) Citizen Representative
Mike Riedel, KSTU TV
Jenney Ries, Cedar Hills
Dennis Rombok, *Deseret News*
Mindy Spring, Archives staff
Andrew Stavros, Pentskiff Interpreting Services
Sheryl Worsley, KSL TV

Call to order: 9:30.

Betsy Ross, Chair of the Committee welcomed State records Committee nominee, Holly Richardson. Ms. Richardson introduced herself to the other Committee members. The other new member, David Fleming was unable to be present because of prior commitments.

Hearing – Christian Probasco, Sanpete Messenger vs. Utah Department of Public Safety.

Ms. Ross explained the procedures to the parties

Opening statement – petitioner

Mr. Probasco introduced himself. He said he had received a report that a 16 year old boy had been hit by a driver from Moroni, late at night. The boy had been walking in the highway. He called Jerry Taylor, Highway Patrol PIO, asking for the child's name. Mr. Taylor said there was a policy about not releasing the names of minors. Mr. Probasco then sent a GRAMA request to the local office and was denied. He appealed to Commissioner Davenport and was also denied. The classification of the report was private pursuant to UCA 63G-2-302(2)(d). It was a clearly unwarranted invasion of personal privacy. Mr. Probasco said he and colleagues conferred and felt the decision was unprecedented. He asked for the name of the boy and as much information as DPS releases on other similar cases. News organizations would be hampered by having to appeal for information that should be routinely released. He said he had asked Joel Campbell and Suzanne Dean to testify.

Opening statement – respondent

Kevin Bollander introduced himself as the legal counsel for the Department of Public Safety. Dwayne Baird, Public Information Officer, attended with him. The Department of Public Safety properly withheld the name of a minor involved in an accident, Mr. Bollander said. They determined that the release of his name would constitute a clearly unwarranted invasion of personal privacy pursuant to UCA 63g-2-302(2)(d). It was also protected by UCA 63G-2-305(9)(a). There was not a policy about the release of the names of minors. The release of the name could be withheld if there was a crime or an investigation of a crime or if a minor is killed and the family has not been notified. In this case, the release of the minor's name constituted a clearly unwarranted invasion of personal privacy. He said he did have the accident report for the Committee to review.

Testimony – petitioner

Mr. Probasco said a government agency did not decide the value of news for the public. DPS has released the names of minors in the past. Mr. Bollander said the information had minimal value. The public interests dictate what news has value. Mr. Joel Campbell was sworn as a witness. He said the law governing accident reports was 41-6a-404. GRAMA did not govern, but the initial contact report is defined in GRAMA and is classified as public. In the past, accident reports released to the press were very detailed with diagrams and witness statements. In 2000 Representative

Wade said complaints from constituents indicated chiropractors and personal injury attorneys were using accident reports for commercial reasons. There were discussions and compromises made in passing the law. An exemption was made for the media to have access to accident reports because of public interest. Ms. Cheryl Worsley, News Director at KSL, was sworn as a witness. She said she represented the Utah Society of Professional Journalists. She represented many small newspapers across the state. She read from the motor vehicle law. Public information ought to be weighed in favor of public interest. The ownership of a group home in Sanpete County could have a bearing in the case. Taxpayers have an interest in such information. A whole story can be told if the facts are available. She told the story of a Vernal accident case in which a driver was texting and hit a young man. A push to get people to pledge to stop the dangerous behavior of texting has resulted. Suzanne Dean, publisher and owner of the Sanpete Messenger, was sworn as a witness. She said because we live in a democracy and have the opportunity to vote, information was vital. Community and cooperation in a community was important. Knowing and caring for each other in a community was part of living in a democracy. She related a story of a traffic accident involving a minor. A three car accident North of Manti was tragic. A young girl who died was known and eulogized in the community. Without a name, the story would have been less meaningful. Because of the name being released and known in the community, a scholarship at Snow College was endowed. Many acts of service resulted. The road itself was redesigned and rebuilt to ensure against future accidents. Ms. Dean said it was likely that the trooper who investigated the accident and the mayor who owned the group home were the people whose privacy was being protected in this case.

Testimony – respondent

Mr. Bollander responded by saying that the minor in the accident did not die and was not involved in a fatal accident. There was no policy about not releasing a minor's name in a fatal accident. The petitioner had raised a concern about the line drawn between invasion of privacy and clearly unwarranted invasion of privacy. The statute was not clear and a decision had been made by the Department of Public Safety to not release the name. There are avenues of appeal such as the State Records Committee available for people who felt the agency had not classified the record correctly. The Department of Public Safety uses its website to promote safe driving and uses minors to present some of the materials on that website. The minors on the website or their parents have given consent for the use of their names and experiences. In this particular case, the minor's name did not rise to the level of justification for the invasion of personal privacy. But GRAMA may not apply in this case. UCA 41-6a-404 puts the media on the list of narrow exceptions of those who have access to accident reports. The petitioner is appealing because of the provisions of GRAMA. That is the law DPS used to protect the record. Mr. Dwayne Baird was sworn as a witness. He said he was the Chief Public Information Officer for the Department of Public Safety. He said he had been notified of the accident when it occurred and the reason for not releasing the name. There was some question whether the minor had been at fault in the accident. Since there was a possibility of a

charge of a criminal offense, the name was not released. He said he did not know if the investigation had been resolved.

Public Comment

Linda Peterson, President of the Utah Foundation for Open Government, was sworn as a witness. She said the case could set a dangerous precedent for the future. The government had no case. This was a traffic accident where the name must be released regardless of fault. In America, when we don't like a law, we work to change it, she said. Nothing had been produced to justify the department's stance. Joel Campbell was sworn as a witness. He said that under judicial rules, juvenile records and investigations were protected. The records in question at the hearing were part of GRAMA and did not pertain to the judicial system.

Closing – petitioner

Mr. Probasco said he was owed an answer by the Department of Public Safety. He had written an article saying that the youth had died. If his name had been released, he could have followed up and found the accurate details of the case. The respondent said the right to appeal a decision is a remedy, but a small newspaper with a limited budget cannot consistently appeal. Appealing is a serious burden. The potential for public good is thwarted if media cannot have access to public records.

Closing – respondent

Mr. Bollander said there was a cap on the information that could be released to the media. A minor had heightened privacy issues. Because of the question of fault, the name was classified as private under UCA 63G-2-302(2)(d) as a clearly unwarranted invasion of personal privacy.

Deliberation

Mr. Hemphill made a motion that the petitioner's appeal be granted. The record should be declared open to the public. Pursuant to UCA 63G-2-305(37) and UCA 41-6a-404(3), the accident report and the name were releasable. Release of the name did not involve a clearly unwarranted invasion of personal privacy. Ms. Smith-Mansfield seconded the motion. A vote was taken. Mr. Hemphill, Mr. Misner, Mr. Rowley, Ms. Ross, Ms. Richardson, and Ms. Smith-Mansfield voted in the affirmative. The motion passed unanimously. Ms. Ross said an order would be sent to the parties within 7 business days.

Hearing – Michael Gubarev vs. the Department of Workforce Services

Ms. Ross asked the parties if they understood the procedures of the Committee

Opening statement & testimony – petitioner

Andrew Stavros introduced himself as an attorney representing Michael Gubarev. He said Mr. Gubarev owned a translating and interpreting service called Pentskiff Interpreting. When hospitals and other health care providers needed help in interpreting in a foreign language, Mr. Gubarev would contact one of a number of people to provide the service. In 2011, the Department of workforce Services audited

Mr. Gubarev. In question was whether the 120 individuals with skills in fifty or more languages were employees or independent contractors. An initial determination was that they were employees. Mr. Gubarev disagreed with the finding. DWS said that prior decisions had influenced their decision. Copies of the other audits and decisions were requested through the administrative law judge. In the administrative hearing, DWS's prior decisions were used. Mr. Gubarev requested those and was denied. They were denied because information obtained through Workforce Services could not be released in a manner that would reveal the identity of the business or an individual's identity. Decisions the department had made in prior cases could be provided without the name of the business. The Employment Securities Act 35a-4-312(4)(b)(i) governs unemployment insurance. Prior decisions of the department were relevant to Mr. Gubarev's case and he should have access to them for a hearing before an administrative law judge. Public interest clearly is in favor of knowing whether the Department of Workforce Services applies its standards equally. Final decisions of all agencies are available publicly. Mr. Gubarev's original request was overly broad, but the essence of the request was to see how similarly modeled businesses were treated in the past. Mr. Gubarev, the petitioner, spoke. He said he had received a response from workforce Services. He said English was his second language. He said he had made multiple requests and all of them had been denied. The former requests had been narrowed to only information about the classification of workers in the interpreting companies. All Utah court interpreters were independent contractors. All agency interpreters in Utah and adjacent states were independent contractors. DWS has referred to UCA 63G-2-305(4) and (9). They did not refer to these sections in their earlier denials. Neither commercial injury nor competitive advantage could be affected by the release of the information. No interference with an audit could be made by releasing the requested records. The information that was released was received by Mr. Gubarev two days after the deadline to appeal the determination.

Opening statement and testimony– respondent

Kathy Bounous, Information Disclosure Officer for the Department of Workforce Services introduced herself. She said Mr. Gubarev's original request had been for all unemployment insurance documents from businesses that employ translators and language interpreters that were audited by the department from 2004 until the present date. The documents requested contained private information about how the businesses were run as well as individual information about workers employed by the businesses. The businesses would not want the information made public, especially to a direct competitor. Mr. Gubarev, she said had sought the records as evidence in an administrative hearing to determine whether his interpreters were independent contractors or employees. The request was denied under the Employment Security Act 312. Ms. Ross asked Ms. Bounous to limit arguments to the Administrative Law Judge decisions which was the narrower request. Ms. Bounous said the decisions still had information that the businesses would not want released to the public. Mr. Gubarev appealed the decision to Kristin Cox, the Executive Director of the department and also to the administrative law judge presiding over the hearing. Both appeals were denied. The department asked the Committee to uphold the decision to deny the records. Ms. Bounous said the

Committee lacked the statutory authority to review the decision of an administrative law judge. Ms. Ross said the GRAMA request and appeal from the denial had been referred to the Committee by the department. Ms. Bounous said the administrative law judge's decisions would contain facts about the businesses as well as a decision derived from those facts. Mr. Hemphill asked if audits had been conducted on businesses similar to Mr. Gubarev's in the past few years. Ms. Bounous said Mr. Gubarev had provided the names of businesses and two audits had been found based on that information. Ms. Bounous said she had brought two decisions. Mr. Hemphill referred to UCA 63G-2-301 (3)(q). Under the heading of "normally public" were final audit reports. Ms. Bounous said she had with her decisions from an administrative law judge based on the audits. Mr. Hemphill referred to UCA 63G-2-301(2)(c) which describes final opinions of a government entity, an administrative, adjudicative or judicial proceeding as public records. Ms. Bounous said the industry was so finite that Mr. Gubarev would be able to identify the businesses even without the names if they were redacted. The Employment Security Act was the governing law for the records.

Closing – petitioner

Mr. Stavros said that if identifying information could be withheld from the decision, the Employment Security Act did not apply. There is no impending or enforcement action to prevent the release of the records pursuant to UCA 63G-2-305(9). Also, under UCA 63G-2-305(4), no competitive advantage would be gained by release of the records. Even if Mr. Gubarev could identify the companies involved in the decisions, there is no way he could gain a competitive advantage. He asked the Committee to grant the request and order the release the records.

Closing – respondent

Ms. Bounous said that GRAMA was not the controlling law. The Employment Security Act was the governing law. The release of any decisions would identify businesses and individuals. An administrative law judge bases a decision on the facts of a case which would be part of the decision. The decision may reveal the way other interpreters are treated by employers. Under section 312-4(b)(i), the records Mr. Gubarev had requested were not necessary for the presentation of his case and he was told that by the administrative law judge.

Deliberation

Mr. Hemphill made a motion to go in camera to review the records. Mr. Misner seconded the motion. A vote was taken. Mr. Hemphill, Mr. Misner, Mr. Rowley, Ms. Ross voted in the affirmative. Ms. Smith-Mansfield voted against the motion. The motion passed and the Committee went in camera to review the records from workforce Services.

12:16 -- 12:35 Closed session

Ms. Smith-Mansfield made a motion that the Committee return to open session. Mr. Hemphill seconded the motion. A vote was taken. Mr. Hemphill, Mr. Misner, Mr.

Rowley, Ms. Ross, and Ms. Smith-Mansfield voted in the affirmative. The motion passed. The Committee returned to open session. Ms. Smith-Mansfield made a motion that the records are public under UCA 63G-2-301(2)(c) except that information within the records are permitted to be treated confidentially pursuant to 35A-4-312(3). Mr. Hemphill seconded the motion. Ms. Smith-Mansfield added that the public had a right to know what decisions were being made by government. A vote was taken. Mr. Hemphill, Mr. Misner, Mr. Rowley, Ms. Ross, and Ms. Smith-Mansfield voted in the affirmative. The motion passed. Ms. Ross told the parties that a decision would be issued within seven days and would be sent to them. Ms. Ross said the agency had thirty days to appeal the order. Ms. Bounous said the agency intended to appeal.

Break 12:45 – 12:58

Hearing – Ken Cromar vs. City of Cedar Hills

Ms. Ross explained the procedures and asked the parties to introduce themselves.

Opening statement – petitioner

Mr. Cromar said he was the chief researcher for an ad hoc group called Cedar Hills Citizens for Responsible Government. He said there were 14 members of the group. Their legal counsel was unavailable. Paul Sorensen and Ken Severn, members of the group were unable to attend. He said the appeal was for a refund of \$700.00 collected in fees because he said, the GRAMA request of March 5 was in the interest of the general public. He said the second concern was that the City of Cedar Hills had used the process to delay providing records. There were four sets of documents Mr. Cromar had brought to the hearing that had been provided by Cedar Hills. He explained the timing and the extent of each set of documents. The documents were provided in a paper format. The second set of records had been requested and provided in electronic format. Just after providing the records, the city asked for the disc to be returned because documents had been unintentionally released. The rest of the records were provided as paper documents. In the previous hearing before the State Records Committee on June 15, 2012, it was decided that Mr. Cromar should have access to view the records or have copies of the records at his discretion. The question of electronic records had been brought up during the previous hearing and the only question was the compilation charge which had been agreed to. Provision of the paper records was labor intensive. Mr. Cromar said he thought it had been deliberate to delay the provision of the records. Mr. Cromar said that penalties of up to \$500. a day could be assessed by the Committee for every day over the 26th of July that the records had not been provided. The citizens of Cedar Hills had already been harmed by legal fees, he said.

Opening statement – respondent

Mr. Eric Johnson, attorney for the City of Cedar Hills introduced himself. He said he worked with the law firm of David Church and represented municipalities throughout the state. David Bunker, City Manager of Cedar Hills was also present with Mr. Johnson. The issue being appealed was Mr. Cromar's request that GRAMA

requests be fulfilled without charge. The issue was not whether the records should be released to Mr. Cromar. They were public records. The question was who should pay for the provision of the records. GRAMA required as a general rule that the requester should pay the cost of searching and compiling. Mr. Cromar claimed a public benefit. The city has taken the position that it should not subsidize Mr. Cromar in seeking to advance his political aims. Mr. Johnson said Mr. Cromar was asking for sanctions against the city that mirrored the sanctions Federal District Court judge Dee Benson imposed on Mr. Cromar when he refused to deliver financial records to the IRS after a court order.

Testimony – petitioner

Mr. Cromar said the personal issues Mr. Johnson had raised had nothing to do with the issues before the Committee. He asked the extraneous documents to be removed as irrelevant to the hearing. Mr. Scott Daniels, at the June 15, 2012 hearing before the Committee had said that if the records were created electronically, they should be produced for the petitioner in electronic format. Making copies of all the emails was costly and unnecessary. It was difficult to know if all the requested records were there. The cost of supplying electronic records should have been minimal. Mr. Cromar read a letter from Jerry Dearing. He said the letter covered the issues better than he could. It was part of several letters from citizens of Cedar Hills. He emphasized the city's failure to fulfill the GRAMA request in the requested electronic format. He requested a \$700. refund for payment for the released documents because the request had not been for personal benefit but was of interest to the general public. He said GRAMA emphasized the right of citizens to easy and reasonable access to public records. The documents requested were records the city was required by law to maintain. Some of the city business was done on the city email account and some on personal email accounts. He said it was a clear intent to conceal information from the public.

Testimony – respondent

Mr. Johnson said that Mr. Cromar had only discussed one request for which he was seeking a fee waiver. There were three requests for records. He had asked for the emails of Conrad Hildebrand and Eric Richardson. He wanted the emails between them and other council members. The city provided the emails. He paid for the emails. The city regrets the length of time it took to gather the emails. Getting possession of the emails was part of the issue. Diligent effort was required to compile, review, and provide the records for Mr. Cromar. Whether Mr. Cromar is entitled to the records for free is at issue. Mr. Johnson asked if it was fair for the taxpayers of Cedar Hills to pay for the records. He said the city could not use public funds to advance an individual's political agenda. Title 20A says the city can propound a neutral voter information pamphlet. Mr. David Bunker had denied the request for a fee waiver. As a personal acquaintance of Mr. Cromar, Mr. Johnson said as city attorney he could not use public funds to support an individual political preference. Mr. Hemphill asked why the records had not been provided electronically. Mr. Johnson said that the inadvertent disclosure of private or protected information in the records had compelled the city to ask for their return.

Electronic records could not easily be redacted and so the city provided paper copies and made redactions by blacking out information. More than 40 hours were required to search and compile the records Mr. Cromar requested. The rate of 29 dollars an hour was charged for search and compilation. Much of the production of records had not been charged for. Gretchen Gordon, Deputy City Recorder of Cedar Hills, was sworn as a witness. She said the emails had been converted to PDFs. The city attorneys had highlighted material to be redacted and returned the records to staff to be redacted. Apparently a mistake had been made at that point and the information had not been redacted before Mr. Cromar received the records. A log had been provided to Mr. Cromar of the documents he had not been given. Personal information and attorney-client information had not been released. Mr. Cromar paid \$66. for the records in May. On July 6 he paid \$500. On July 23 he paid \$200. Mr. Johnson said that part of the delay was the city was waiting on Mr. Cromar to pay the required fees. Another delay was finding the emails that related to Mr. Cromar's request. Mr. Johnson said it would be improper for the city to subsidize personal political ambitions.

Closing – petitioner

Mr. Cromar said he had received massive amounts of information on paper that he was not able to search electronically. The city has the power to subpoena the former mayor's email records. The city did not account for the expenses represented by the \$500. payment before asking for a two hundred dollar payment. In the past, all the requests for payments to the city had been paid. Mr. Cromar said redactions could be done electronically; a document printed out and then scanned. Mr. Cromar said the documents he had received in an unredacted state would be sequestered and not distributed. He said the city could not testify that they had complied completely with the Committee's June 26th order to produce records. There was no way to know what was in the paper records and what was missing. The city did not have a reasonable answer about why the records were not supplied in an electronic format. Mr. Cromar said his requests were for the truth about what had happened in the city of Cedar Hills. He asked the Committee to consider imposing sanctions but not charges on the city. He said it would be impossible to ever know if the release of documents had been complete. He thanked the Committee for their time and consideration.

Closing – respondent

Mr. Johnson said the Committee had heard Mr. Cromar's repeated political pitch. His approach was to question the ethics of others. Mr. Johnson said that all the city emails within the criteria requested had been supplied to Mr. Cromar. All that were not private, controlled or protected were supplied. The city should not subsidize personal political activities.

Deliberation

Mr. Rowley made a motion to deny the request for a fee waiver. Pursuant to UCA 63G-2-203(6)(a) the denial of a fee waiver was not unreasonable. Ms. Smith-Mansfield seconded the motion. Discussion ensued about the possibility of a benefit to the public being the result of the release of the records. A governmental entity is

encouraged to release records without charge for the benefit of the public, but was not required to do so. Searching and redactions played into the process of providing the records as well. A vote was taken. Mr. Hemphill, Mr. Misner, Mr. Rowley, Ms. Ross, Ms. Richardson, and Ms. Smith-Mansfield voted in the affirmative. The motion passed. Mr. Hemphill said, pursuant to 63G-2-403(13)(d), a governmental entity who failed to issue a notice of compliance could have sanctions imposed. The former Committee order was dependent on Mr. Cromar paying the fees to receive the records. The records had been produced just the day before the present hearing and so the notice of compliance would still be pending. Mr. Hemphill said the gravity or deliberate withholding of records should be taken into consideration. Mr. Hemphill made a motion that the appeal for sanctions against Cedar Hills be denied. Mr. Rowley seconded the motion. A vote was taken. Mr. Hemphill, Mr. Misner, Mr. Rowley, Ms. Ross, Ms. Richardson and Ms. Smith-Mansfield voted in the affirmative. The motion passed unanimously. Ms. Ross said an order would be sent to the parties within seven days.

Other Business

Approval of Minutes

The approval of the August 9, 2012 was delayed until the next SRC meeting.

SRC Appeals received

See attached report.

District Court updates

See attached report.

Adjournment 3:23 p.m.

Next meeting November 15, 2012.

STATE RECORDS COMMITTEE
September 13, 2012
State Archives Building, Courtyard Meeting Room
346 S. Rio Grande (450 West)
Salt Lake City

AGENDA
Call to Order 9:30 a.m.

**Hearing: Christian Eric Probasco, Sanpete Messenger vs.
Department of Public Safety**

Hearing: Michael Gubarev vs. Department of Workforce Services

Hearing: Ken Cromar vs. City of Cedar Hills

BUSINESS

- 1. Approval of August 9, 2012 SRC Minutes, action item postponed**
- 2. Introduction of new Committee members**
- 3. SRC appeals received**
- 4. Cases in District Court**
- 5. Other Business**

ADJOURNMENT

Next meeting scheduled for Thursday, October 11, 2012, at 9:30 a.m.

**SRC Appeals Received
September 2012**

1. **Julie Stecklein, *Tribune* vs. UTA** Scheduled for October. Request for crime database information.
2. **Donald Meyers, *Tribune* vs. Public Safety** Scheduled for October. Request for P.O.S.T. disciplinary actions.
3. **Erin Alberty, *Tribune* vs. Public Safety.** Scheduled for October. Records of a shooting.
4. **Jeffrey Lawrence vs. Utah Highway Patrol.** Scheduled for October. Records of his arrest and his grievance
5. **Bill Oram, *Tribune* vs. Granite School District.** Scheduled for October. Records of teacher's inappropriate relationship with student.
6. **Travis Carey Peterson vs. Woods Cross Police**
7. **Gordon Thomas vs. Ct. of Appeals.**
8. **Michael Luesse vs. UDC.**
9. **Robert Milliner vs. UDC.**
10. **Moses Shepherd vs. UDC**
11. **Cimaron Neugebauer vs. Career Service Review Office**
12. **Steven Sanchez vs. Tax Commission**
13. **Reginald Williams vs. Administrative Services Travel Office**
14. **Melvin Eugene Smith vs. UDC**
15. **Jeff McCollin vs. Division of Water Rights**
16. **Corey Vonberg vs. Attorney General's Office**

September 2012 Records Committee Case Updates

District Court Cases

Salt Lake City Corp. v. Mark Haik, 3rd District, Salt Lake County, Case No. 120905667, Judge Kelly, filed August 21, 2012.

Current Disposition: Complaint filed by Salt Lake City Corp., answer and counterclaim filed by Haik on September 6, 2012. Will be filing a motion to dismiss the Committee as a party (not an appeal from a decision by the Committee).

Danysh v. Unified Police Dept., 3rd District, Salt Lake County, Case No. 120904327, Judge Quinn, filed June 22, 2012.

Current Disposition: Complaint filed by Kurt Danysh, answer filed on behalf of the Committee on August 1, 2012. Petitioner did not initially serve the Unified Police Department ("UPD"). August 16, 2012 Danysh files Petition to Join UPD. UPD filed on September 7, 2012 a response opposing petition to join UPD as a party claiming that the appeal was untimely filed.

Utah Dept. of Human Services v. Wilson, 3rd District, Salt Lake County, Case No. 120903186, Judge Kelly, filed May 10, 2012.

Current Disposition: Complaint filed by Human Services, answers filed by the Committee and Wilson. Answer filed by Wilson raised issues outside of the appeal filed by Human Services. June 5, 2012, Human Services filed a "Motion to Strike, or in the Alternative, for More Definite Statement." Court held that Wilson's answer did not constitute a counterclaim and therefore, there was no need to grant the motion to strike.

Attorney General Office. v. Schroeder, 3rd District, Salt Lake County, Case No. 110917703, Judge Kelly, filed Sept. 20, 2011.

Current Disposition: Oral argument held on Sept. 6, 2012 for motion for summary judgment filed by the Attorney General Office and motion to dismiss on the pleadings by Schroeder. Court did not grant either motion finding that the AG's office did not properly file a statement of facts as required by the Civil Rules. The Court denied the motion to dismiss finding that the AG's office stated sufficient facts upon which relief could be granted.

Salt Lake City v. Jordan River Restoration Network, 3rd Judicial District, Salt Lake County, Case No. 100910873, Judge Himonas. Filed June 18, 2010.

Current Disposition: Only pleading filed during the past six months was a notice of appearance of new counsel on behalf of Jordan River.